

REMARKS

Claims 1-22 are pending in the present application. By this amendment, Claims 1, 3 and 19 have been amended and Claims 20-22 have been added. No new matter has been included by these amendments and support for the amendment to Claim 3 can be found in the specification on pages 17 and 38. Support for new claims 20-22 can be found throughout the specification.

Claims 20-21 are method claims incorporating the elements of the wound dressing claims 1, 17 and 23 of U.S. Patent 6,087,549, from which the current application depends.

Applicants respectfully request reconsideration of the present claims in view of the foregoing amendments and the following remarks.

I. Formal Matters

Rejection of Claim 1 under 35 U.S.C. § 112

Claim 1 was rejected under 35 U.S.C. § 112 as being indefinite for lack of antecedent basis for the term “the electrodynamic processes”. Applicant respectfully submits that the amendment of Claim 1 obviates this rejection and respectfully request withdrawal of the rejection.

II. Prior Art

A. Rejection of Claims 1, 2, 3, 4-12, 14-16 and 19 Under 35 U.S.C. § 102(b)

Claims 1, 2, 3, 4-12, 14-16 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,470,585, issued to Gilchrist (hereafter “Gilchrist”).

The Examiner stated that “Gilchrist discloses a medicinal substance for topical application,” and “in a particular embodiment wherein the silver containing glass is incorporated into silicon rubber” that the invention can be applied to the treatment area.

Applicant’s invention as set forth in amended Claims 1 and 19 is drawn to a medical device for treating wounds. The device comprises a conductive material at least partially composed of a polymer.

Gilchrist discloses a water soluble glass containing a silver compound (abstract). This silver-releasing glass provides a means for releasing silver ions into an aqueous medium (column 4, lines 24-25) when the glass dissolves. The glass may be in the form of a powder, granules, or woven into a dressing form.

Applicant respectfully submits that Gilchrist does not anticipate the present invention because Gilchrist does not teach or disclose the element of a conductive material at least partially composed of a polymer. Therefore, for at least these reasons Applicant respectfully submits that Claims 1 and 19 are not anticipated and are allowable over the art of record because Gilchrist does not teach or disclose each and every element of Applicant's currently claimed invention. Furthermore, since Claims 2, 3, 4-12 and 14 depend from Claim 1 and recite additional claim features, these claims are also allowable over the art of record. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Applicant's invention as set forth in Claim 15 is drawn to a medical device that is a wound dressing incorporated into an appliance. The dressing comprises layers of fibrous material comprising metalized and nonmetalized fibers. The layers are arranged to form a gradient of metalized to nonmetalized fiber ratios.

The Office Action states that "when incorporated in gauze, Gilchrist meets the limitations of the claim." Applicant respectfully traverses the rejection.

Gilchrist does not teach or disclose metalized and non-metalized fibers. Gilchrist also does not teach or disclose layers of metalized and non-metalized fibers forming a gradient.

Applicant respectfully submits that Claim 15 is not anticipated and is allowable over the art of record because Gilchrist does not teach or disclose each and every element of Applicant's claimed invention. Furthermore, since Claim 16 depends from Claim 15 and recites additional claim features, this claim is also allowable over the art of record. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Rejection of Claims 13, 17, and 18 Under 35 U.S.C. § 103(a)

Claims 13, 17, and 18 are rejected under 35 USC 103(a) as being unpatentable over Gilchrist (U.S. Patent No. 5,470,585). The Office Action admits that Gilchrist "fails to explicitly teach the device has a tubular shape, however, when incorporated in a drainage tube as a liner, the device will assume a tubular shape."

Applicant's invention as set forth in amended Claims 1 and 19 is drawn to a medical device for treating wounds. The device comprises a conductive material at least partially composed of a polymer.

Gilchrist discloses a water soluble glass containing a silver compound (abstract). The glass may be in the form of a powder, granules, or woven into a dressing form.

As to Claim 13, Applicant respectfully submits that Gilchrist does not teach or suggest the present invention because Gilchrist does not teach or suggest the element of a conductive material at least partially composed of a polymer. It would not be obvious to substitute a polymer for the glass in Gilchrist, because a polymer will not have the same properties as glass. Therefore, Gilchrist does not render obvious Applicant's conductive material when the invention of Gilchrist is shaped into a particular form.

For at least these reasons, Applicant respectfully submits that Gilchrist does not teach or suggest Applicant's currently pending Claim 13 which is allowable over the art of record. Accordingly, Applicant respectfully requests withdrawal of this rejection.

As to Claims 17 and 18, Applicant respectfully submits that Gilchrist does not teach or suggest metalized and non-metalized fibers. Gilchrist also does not teach or suggest layers of metalized and non-metalized fibers forming a gradient. It would not be obvious to combine the teachings of Gilchrist because dissolvable silver containing glass is not a metalized fiber and could not form the gradient of Applicant's invention.

For at least these reasons, Applicant respectfully submits that Gilchrist does not teach or suggest Applicant's currently pending Claims 17 and 18 which are allowable over the art of record. Accordingly, Applicant respectfully requests withdrawal of this rejection.

C. Provisional Statutory Double Patenting Rejection of Claims 15-19 under 35 U.S.C. §101

Claims 15-19 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of Claims 16-20 of copending Application No. 09/531,245.

Applicant respectfully submits that Claims 2-20 of Application No. 09/531,245 were cancelled February 14, 2002 in the Response to the August 14, 2001 Office Action and are no longer pending. Applicant respectfully requests withdrawal of this rejection.

D. Provisional Non-statutory Double Patenting Rejection of Claims 1-14

Claims 1-14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 2-15 of copending Application No. 09/531,245.

Applicant respectfully submits that Claims 2-20 of application No. 09/531,245 were cancelled February 14, 2002 in the Response to the August 14, 2001 Office Action. Applicant respectfully requests withdrawal of this rejection.

REQUEST FOR INTERVIEW

Applicant respectfully requests a personal interview with the Examiner to discuss the currently claimed invention and asks that the Examiner contact Cheryl L. Huseman, attorney of record, at 404-745-2423 to schedule a convenient date and time.

CONCLUSION

Applicant respectfully submits that this is a complete response to the Office Action dated December 19, 2001 and that Claims 1-22 define patentable subject matter. Accordingly, the Applicant respectfully requests allowance of these claims. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicant's representative at the telephone number listed below.

Applicant has provided payment for three additional independent claims and the one-month extension of time. Payment for the two additional claims in excess of the original 20 claims is to be charged to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mary Anthony Merchant', is written over a horizontal line.

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MARKED UP VERSION OF CLAIMS UNDER 37 C.F.R. 1.121(C)(1)(II)

Please amend Claims 1, 3 and 19 by deleting the words enclosed in brackets and adding the words that are underlined:

1. (Amended) A medical device for treating a portion of the body of a living organism, comprising, at least one layer of conductive material, wherein the conductive material comprises a resistance less than about 1000 ohms/cm²;

wherein the conductive material is at least partially composed of a polymer; and

wherein no external energy source or galvanic cell action is required to alter [the] an electrodynamic process of a portion of the body of a living organism.

3. (Amended) The medical device of Claim 1, wherein the [conductive material is a least partially composed of a material selected from the group consisting of polymers, carbon composites, elastomers, and silicon matrix containing metal particles] the polymer is nylon, polyethylene, polypropylene, wool, silk, cotton, or elastomers.

19. (Amended) A method for [accelerating healing and]treating [pain of] a portion of the body of a living organism, comprising₁[:]

a) applying a medical device [for treating] to a portion of the body of a living organism, wherein the medical device [comprising] comprises at least one layer of conductive material;

wherein the conductive material comprises a resistance less than about 1000 ohms/cm²;

wherein the conductive material is at least partially composed of a polymer; and

wherein no external energy source or galvanic cell action is required to alter [the] an electrodynamic process of a portion of the body of a living organism;

b) altering the electric parameters of the portion of the body without using an external energy source or galvanic cell action; and

c) lowering the electrical resistance and increasing the current of the portion of the body.